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Chapter 7 Bankruptcy Trustee for SGP Benefit Plan, Inc.,  
and Independent Fiduciary of the SGP Benefit Plan and Trust

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

BETH MAXWELL STRATTON,  
CHAPTER 7 BANKRUPTCY TRUSTEE  
FOR THE SGP BENEFIT PLAN, INC.,

Plaintiff,

vs.

GLACIER INSURANCE  
ADMINISTRATORS, INC.; GLACIER  
INSURANCE ENTERPRISES, INC.;  
FRESNO AGENT SERVICE TEAM, INC.  
DOING BUSINESS AS BEN MAR  
INSURANCE SERVICES; BEN MAR  
INSURANCE SERVICES; LAWRENCE  
THOMPSON; BRAD STARK; PIERRE  
TADA; NORMA SPALDING; DICK  
NEECE, SR.; WILLIAM WOLHAUPTER;  
and DOES 1 through 250 inclusive,

Defendants.

**CASE NO. CIV-F-02-6213 OWW DLB**

**PLAINTIFF'S *EX PARTE* MOTION  
FOR ORDER RELEASING  
SETTLEMENT FUNDS  
FROM COURT REGISTRY  
AND  
ORDER THEREON**

Plaintiff hereby moves the Court *ex parte* for an order authorizing and directing the Clerk of this Court to release to plaintiff funds on deposit in the Registry of this Court pursuant to approved settlements and the Judgment entered in this case.

As discussed at the November 22, 2006, hearing in this case, this request is being made *ex parte* but with advance notice having been given to the Glacier Defendants and the Former Trustee

Defendants (who advise they have no objections to it) and to others, all as indicated on the attached Proof of Service and Declaration of Michael J. Seng.

This motion arises out of the following factual history:

On November 27, 2006, this Court entered its Judgment approving the terms of various settlement agreements between plaintiff and parties generally referred to in this case as the “Glacier Defendants” and between plaintiff and defendants generally referred to as the “Former Trustee Defendants”.

The various agreements provided that upon this Court’s preliminary approval of the settlements (and that approval was given on October 14, 2004) the Glacier Defendants would deposit the sum of \$2 million into an interest-bearing account in the Court’s Registry and the Former Trustee Defendants would deposit the sum of \$1 million into an interest-bearing account in the Court’s Registry. Both deposits and all interest accrued thereon were to be paid over to plaintiff if and when applicable terms of the settlements were met.

The Glacier Defendants deposited their settlement funds with the Court’s Registry on or about January 6, 2005, and the Former Trustee Defendants did so on or about January 11, 2005. Those funds remain on deposit with the Court.

The settlement agreements between the parties provided, in pertinent part, that once the Court’s Judgment approving the terms of the settlements became final, the funds on deposit with the Registry of the Court and all accumulated interest thereon were to be released to plaintiff for distribution in accordance with the Court’s judgment.

As noted, the Court entered its judgment approving the settlements on November 27, 2006. Notice of entry of that judgment was served by the Clerk that day (and also by plaintiff the following day) to all parties who had formally appeared in the action and all who had filed objections or requests for special notice. More than thirty-three (33) days have passed since the notices of entry were served. The time for filing notice of appeal has expired. (Fed. Rules App.Proc., rule 4.) Plaintiff has received no notice of appeal. Court records do not reveal any notice of appeal having been filed. The Court’s November 27, 2006, Judgment thus has become final.

Therefore, pursuant to the terms of the settlement agreements between these parties and

paragraph 3 of the Court's Judgment, plaintiff therefore moves this Court for an order directing the Clerk of the Court to release the settlement funds and all interest accumulated thereon from the Court's Registry to plaintiff Beth Maxwell Stratton, Chapter 7 Bankruptcy Trustee for the SGP Benefit Plan, Inc., for her use in payment of expenses and claims in accordance with the Court's Judgment. (SGP Benefit Plan's taxpayer identification number is 770260926.)

Respectfully submitted,

Dated: January 3, 2007

SENG & STRATTON

By /s/ MICHAEL J. SENG  
Michael J. Seng, Attorneys for Plaintiff Beth  
Maxwell Stratton, Chapter 7 Bankruptcy Trustee for  
SGP Benefit Plan, Inc., and Independent Fiduciary  
of the SGP Benefit Plan and Trust

**ORDER**

GOOD CAUSE APPEARING, the Clerk of this Court is hereby authorized and directed to release at this time by check made payable to "Beth Maxwell Stratton, Chapter 7 Bankruptcy Trustee for the SGP Benefit Plan, Inc." (SGP Benefit Plan taxpayer identification number 770260926), all sums deposited into the Registry of this Court by or on behalf of Glacier Insurance Administrators, Inc.; Glacier Insurance Enterprises, Inc.; Fresno Agent Service Team, Inc. doing business as Ben Mar Insurance Services; Ben Mar Insurance Services; and Lawrence Thompson and by or on behalf of Dick Neece, Sr.; Norma W. Spalding; D. Bradford Stark; Pierre Y. Tada; and William F. Wolhaupter) and all interest accumulated thereon.

Dated: 1/17/07

/s/ Oliver W. Wanger

Oliver W. Wanger, Judge of the United States  
District Court, Eastern District of California